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By: 



PATENT
Attorney Docket No.: 020093-003910US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Linda Pestano

Application No.: 10/770,257

Filed: February 2, 2004

For: METHOD FOR INDUCTION OF
PROLIFERATION OF NATURAL
KILLER CELLS BY DENDRITIC
CELLS CULTURED WITH GM-
CSF AND IL-15

Customer No.: 20350

Confirmation No.: 6221

Examiner: Anne Marie Sabrina Wehbe

Art Unit: 1633

**RESPONSE TO RESTRICTION
REQUIREMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Restriction Requirement dated September 7, 2006, which set forth the following groups of claims:

I. Group I, Claims 1-14, drawn to a dendritic cell, and a method for the formation of a dendritic cell from a dendritic precursor cell, classified in class 435, subclass 377.

II. Group II, Claims 1-6 and 15-22, drawn to a dendritic cell, and a method for activating an NK cell using a dendritic cell, classified in class 435, subclass 373.

The inventions are asserted to be distinct, each from the other because the Examiner believes that Inventions I and II are related as a process of making and a process of using the product, and further the Examiner believes that the use as claimed cannot be practiced with a materially different product. Therefore, since the Examiner does not believe that the

product is allowable, restriction asserted to be proper between the method of making and method of using. The Examiner has indicated that the product claims, claims 1-6, would be examined along with the elected invention (MPEP §806.05(i)).

Applicant elects to prosecute Group II, claims 1-6 and 15-22, with traverse. Applicant reserves the right to file a divisional or related application to the subject matter encompassed by any claim of a non-elected group.

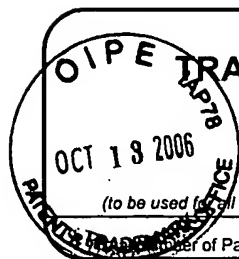
All requirements for responding to the restriction requirement are believed to have been addressed. If a telephone conference would expedite this matter, the Examiner is respectfully encouraged to contact the undersigned accordingly.

Respectfully submitted,

Dated: 9 October 2006

By: Brian W. Poor
Brian W. Poor
Reg. No. 32,928

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111
Tel.: (206) 467-9600
Fax: (415) 576-0300
BWP/jms
60882247 v1



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Number of Pages in This Submission

1

Application Number

10/770,257

Filing Date

February 2, 2004

First Named Inventor

Pestano, Linda

Art Unit

1633

Examiner Name

Anne Marie Sabrina Wehbe

Attorney Docket Number

020093-003910US

ENCLOSURES (Check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Response to Restriction Requirement; Return Postcard |
|--|--|---|

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Brian W. Poor

Date

October 9, 2006

Reg. No.

32,928

CERTIFICATE OF TRANSMISSION/MAILING

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Signature

Typed or printed name

Jennifer M. Smolen

Date

October 9, 2006